


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P044453PCT SMO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/NL 03/00124	International filing date (day/month/year) 19.02.2003	Priority date (day/month/year) 21.02.2002	
International Patent Classification (IPC) or both national classification and IPC B65D77/06			
Applicant HEINEKEN TECHNICAL SERVICES B.V. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 21.08.2003		Date of completion of this report 04.03.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Schelle, J Telephone No. +49 89 2399-2612	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00124**

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-10 received on 19.02.2004 with letter of 19.02.2004

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1. and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

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see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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Re Item IV

Lack of unity of invention

The method according to claim 10 does not completely lead to the bag according to claim 1, since it lacks a step for making the hole.

Consequently, there is a lack of unity between claim 1 on the one hand and claim 10 on the other hand.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-B1-6 195 964 (KITAO KOUJI) 6 March 2001 (2001-03-06)

D2: NL-A-7 011 940 (STAMICARBON NV) 15 February 1972 (1972-02-15)

2. The subject-matter of claim 1 meets the criteria of Article 33(1) PCT.

2.1 Novelty, Article 33(2) PCT:

The closest prior art is shown by document D1 (see in particular figures 1 and 3(a)).

The bag known from said document has all of the structural features included in the preamble of claim 1, but lacks the features that "the side panels and the front panels are sealed to one another along the end edges" and that "the mid section comprises a hole [...]" (see the characterising portion of claim 1).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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2.2 Inventive step, Article 33(3) PCT:

The objective technical problem to be solved is to modify the bag known from document D1 in such a way that it can be inserted into a generally cylindrical container which has a curved top and bottom and that it can receive a tube connected to a shut-off valve located outside the bag.

This problem is solved by adding the features included in the characterising portion of claim 1.

Despite the disclosure of document D2 (see in particular the figures and the claims) the bag according to claim 1 is not suggested by the available prior art.

There is no hint in the prior art leading the skilled person to arrange a hole in the "mid section" in such a way that its "periphery does not contact any sealing lines of the side panels".

If the skilled person decided to provide a hole in the "mid section" of the bag known from D1, said hole would inevitably contact sealing lines.

2.3 The bag according to claim 1 is undoubtedly industrially applicable (Article 33(4) PCT).

3. The dependent claims 2 to 7 relate to embodiments of the bag according to claim 1. Consequently, said claims also meet the criteria of Article 33(1) PCT.

4. Both the assembly according to claim 8 and the assembly according to claim 9 include a bag "according to any of the preceding claims".

Consequently, claims 8 and 9 also meet the criteria of Article 33(1) PCT.

5. The method according to claim 10 is neither known from nor suggested by the available prior art.

Consequently, the method of claim 10 also meets the criteria of Article 33(1) PCT.

19. 02. 2004

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Claims

(43)

1. Bag (4) made of film material, which bag in the unfolded state has an essentially rectangular mid section (31), a front panel (11) and a rear panel (12) extending from two opposing side edges of the mid section (31), and having, at right angles to the front panel and rear panel, two side panels (13, 14) that extend from two further side edges of the mid section (31), each panel (11, 12, 13, 14) being provided with two side edges (15, 16, 15', 16', 32, 33, 32', 33') and with an end edge (17, 18, 17', 18', 33, 34, 33', 34') located some distance away from the mid section, wherein, when the bag is in the made-up state, the side panels are folded along their centre line (35), as well as along two fold lines (26, 27, 28, 29) that run from the corner points of the mid section (31) located close to the respective side panel into or close to the centre of the mid section, wherein the side panel halves located on either side of the centre line (35) of the side panels are positioned with their outsides (36, 36') facing one another and wherein the front and rear panels are folded about the centre line (35) of the mid section (31) and are positioned with their insides (24, 24') facing one another, wherein the double-folded side panels (13, 14) are located between the front panel and the rear panel (11, 12), the longitudinal edges (32, 33, 32', 33') of the side panels (13, 14) are in contact with the adjacent longitudinal edges (15, 16, 15', 16') of the front and rear panels (11, 12), and the side panels and the front and rear panels are sealed to one another along the longitudinal edges (15, 16, 15', 16', 32, 33, 32', 33') characterized in that the side panels (13, 14) and the front and rear panels (11, 12) are sealed to one another along the end edges (17, 18, 17', 18', 33, 34, 33', 34'), wherein the mid section comprises a hole (30) made in the film material at or close to the centre of the mid section (31), for receiving a tube (5) extending in the interior of the bag (4), which tube is connected to a shut-off valve (6) located outside the bag the shut off valve adapted for sealing to the periphery of the hole (30), which periphery does not contact any sealing lines of the side panels.
2. Bag (4) according to Claim 1, wherein the end edges (17, 18, 17', 18', 33, 34, 33', 34') of the panels comprises two edge sections extending in the shape of a point 4 from the side edges to the centre line (19, 35) of each panel (11, 12, 13, 14).

3. Bag (4) according to Claim 1 or 2, wherein the bag comprises a laminate of a metal foil layer and a plastic layer, the plastic layer being located on the inside (24, 24') of the bag, which plastic layer provides the seal between the panels (11, 12, 13, 14) by the application of heat along the longitudinal edges (15, 16, 15', 16', 32, 33, 32', 33') and along the end edges (17, 18, 17', 18', 33, 34, 33', 34').
4. Bag (4) according to one of the preceding claims, characterised in that two fastening lips (22, 23, 22', 23') are provided along two opposing longitudinal edges (15, 16, 15', 16') of a panel, which fastening lips (22, 23, 22', 23') extend laterally with respect to the longitudinal edges and are placed on top of one another and joined to one another such that they can come apart.
5. Bag (4) according to Claim 5, wherein the fastening lips (22, 23, 22', 23') are formed on the longitudinal edges (15, 16, 15', 16') of the front and rear panels (11, 12) and protrude beyond the longitudinal edges of the side panels.
6. Bag (4) according to Claim 5 or 6, wherein the fastening lips (22, 23, 22', 23') run along both longitudinal edges (15, 16, 15', 16') of the front and rear panels and have a mutually different length and/or position along the longitudinal edges.
7. Bag (4) according to one of the preceding claims, wherein two panels located on either side of the mid section (31) are made from individual pieces of material (56, 57) and are joined to the side edges (59, 60) of the mid section.
8. Assembly of a bag and a tube and shut off valve according to any of the preceding claims.
9. Assembly of a container (1) having a curved base (3) and/or neck (2), containing a bag (4) according to one of the preceding claims.

10. Method for making a bag from film material, comprising the following steps:

- (a) feeding three webs (50, 51, 52) of film material in parallel,
- (b) joining adjoining sides (58, 59) of the two outer webs to the middle web of material (50),
- 5 (c) before or after step (b), cutting off the webs transversely to the direction of transport in order to form side panels (13, 14) and front and rear panels (11, 12),
- (d) folding the side panels (13, 14) along their centre line (35) as well as along two fold lines (26, 27, 28, 29) which run from the corner points of the side panels located close to the middle web to the centre line of the middle web (35), side
10 panel halves located on either side of the centre line of the side panels being positioned with their outsides (36, 36') facing one another.
- (e) folding the front and rear panels towards one another about the centre line (35) of the mid section and positioning the front and rear panels (11, 12) with their insides facing one another, the side panels folded double being located between
15 the front panel and the rear panel.
- (f) joining the edges of the side panels (32, 33, 34, 32', 33', 34') that are in contact with the adjoining edges (15, 16, 17, 18, 15', 16', 17', 18') of the front and rear panels (11, 12).